

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**METRO WEST AMBULANCE
SERVICE, INC.,**

Petitioner,

v.

**NATIONAL LABOR RELATIONS
BOARD,**

Respondent.

No. CA 14-1106

**RESPONSE TO ORDER TO
SHOW CAUSE**

On July 7, 2015 Petitioner filed its Unopposed Seventh Motion for Extension of Time in this matter. In support of that Motion, Petitioner's counsel filed a declaration noting that the parties were finalizing the terms of a settlement and that the extension of time was needed for this purpose. On July 8, 2015, this Court granted that Motion and issued a Scheduling Order requiring Petitioner's brief to be filed no later than August 7, 2015.

On August 7, 2015, Petitioner executed the settlement agreement in this matter. (Declaration of Mitchell Cogen (“Cogen Decl”) at ¶ 2.) The settlement agreement was fully and finally executed on August 12, 2015. *Id.* The settlement agreement requires certain actions to be taken by Petitioner, some over a period of months. The settlement agreement further provides:

After Metro West has complied with the requirements and deadlines set forth in Paragraphs 1, 3-4, and 6-8 of this Agreement, Metro West and the Board will file a joint stipulation with the United States Court of Appeals for the District of Columbia Circuit to dismiss, with prejudice, Metro West's petition for review, and to dismiss, without prejudice, the Board cross-application for enforcement of its Order, with each side to bear its own costs. (Cogen Decl at ¶ 3).

Because of the timing of finalizing the settlement, Petitioner did not file a brief on or before August 7, 2015. (Cogen Decl at ¶ 4). On August 26, 2015, the Court issued an Order requiring Petitioner to show cause as to why this case should not be dismissed. The terms finalizing settlement of this case have been agreed to and executed and Petitioner is

the process of satisfying those terms. Once those terms are satisfied, the parties will file a joint stipulation for voluntary dismissal of the actions pending herein. *Id.* Accordingly, in addition to this Response, Petitioner will be filing a Motion for Abeyance requesting that the Court pend any further proceedings in this case in order to allow for full execution of the parties' settlement, including an anticipated joint stipulated voluntary dismissal.

RESPECTFULLY SUBMITTED: September 10, 2015.

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CERTIFICATE OF SERVICE AND FILING

I hereby certify that on September 10, 2015, I electronically filed with CM/ECF RESPONSE TO ORDER TO SHOW CAUSE by Metro West Ambulance Service, Inc. I further certify that on the date set forth below I caused a copy of the above-mentioned document to be served, via CM/ECF to all counsel of record, if they are registered users or, if they are not, by serving a true and correct copy at the address listed below:

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